United Nations S/AC.51/2008/10

Security Council

Distr.: General
3 October 2008

Original: English

Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in the Philippines

1. At its 14th meeting, on 8 May 2008, the Working Group examined a report of the Secretary-General on children and armed conflict in the Philippines (S/2008/272), introduced by the Special Representative of the Secretary-General. The Permanent Representative of the Philippines participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group are summarized below.

(a) The members of the Working Group took note of the report of the Secretary-General and expressed their appreciation for the efforts of the United Nations country task force on monitoring and reporting;

(b) The Government of the Philippines was commended for its cooperation with the United Nations in the establishment of a monitoring and reporting mechanism, and for its cooperation with the Working Group;

(c) The members of the Working Group welcomed the commitment of the Government of the Philippines, the high standard of its legal framework and policies for the welfare and protection of children, as well as other steps taken by the Government of the Philippines to address the issue of children and armed conflict; several members stressed the need to pursue efforts with a view to ensure that those frameworks are fully known and implemented at all levels and by all actors;

(d) Grave concern was expressed about the fact that the New People's Army, the Moro Islamic Liberation Front and the Abu Sayyaf Group continued to recruit and use children during the reporting period, resulting in several cases of killing and maiming of children;

(e) The need to engage with parties in order to prevent further recruitment, and secure the release of children, in accordance with Security Council resolutions 1539 (2004) and 1612 (2005), was stressed;

(f) The members of the Working Group also stressed the importance of providing support, including financial and other resources to the Government of the Philippines in a holistic approach to the demobilization, rehabilitation and

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reintegration of children associated with armed groups and prevention of recruitment.

3. The Permanent Representative of the Philippines:

(a) Stressed the determination of his Government to fully cooperate with the Special Representative of the Secretary-General, the international community and the Working Group;

(b) Highlighted the adequate legal infrastructure of the Philippines for the protection of children, including the prohibition of recruitment and use of children in the armed forces, as well as the existence of structures, such as the Inter-Agency Committee on Children Involved in Armed Conflict, dedicated to the protection of children in armed conflict;

(c) While recognizing the need for further efforts to document all cases of violations against children, underscored the need to substantiate some sweeping allegations of abuse by the Philippines security forces contained in the report of the Secretary-General to facilitate the Government's actions in that regard;

(d) Indicated that the recommendations by the Secretary-General would be considered seriously, and stressed the necessity that dialogue between the United Nations country team and non-State actors would have to be undertaken in the context of ongoing peace processes and in close coordination with the Government;

(e) Referred to steps taken to put in place long-term protection programmes for children;

(f) Expressed the wish that, given the conditions now prevailing in his country, the situation in the Philippines will be dropped from the annexes of the next report of the Secretary-General on children and armed conflict.

Those elements were given further details in the official statement distributed to the members of the Working Group.

4. Further to that meeting and subject to and consistent with applicable international law and Security Council resolutions on children and armed conflict, including resolution 1612 (2005), and while recalling that that resolution does not prejudge any legal status of the non-State parties involved in the situation considered, the Working Group agreed to the following.

Direct action concerning parties to the conflict

5. The Working Group agreed to the following direct action:

Public statements issued by the Chairman of the Working Group:

To the leadership of the New People's Army

(a) Calling attention to the fact that the Security Council has received a report of the Secretary-General on children and armed conflict in the Philippines (S/2008/272);

(b) Expressing deep concern regarding the fact that, despite several resolutions calling on parties to armed conflict to halt recruitment and use of children, and in contradiction to the national legislation of the Philippines and the Optional Protocol to the Convention on the Rights of the Child on the involvement

of children in armed conflict, the New People's Army has continued to use children in various capacities, and has failed to develop a concrete and time-bound action plan as called for in Security Council resolutions 1539 (2004) and 1612 (2005) and to release all the children present in its ranks, and expressing its strong condemnation of such practice;

(c) Strongly reaffirming that the release of children cannot be made dependent upon the conclusion of a peace agreement;

(d) Urging it:

(i) To proceed with the immediate release of all children associated with it in any capacity, in a manner that allows effective confirmation by the United Nations task force on monitoring and reporting, and prevention of any new recruitment or re-recruitment;

(ii) To ensure that clear military orders strictly prohibiting the recruitment and use of children, consistent with both the national legislation of the Philippines and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, are enforced, and undertake disciplinary actions against any member who contradicts those orders;

(iii) To immediately engage, in accordance with Security Council resolution 1612 (2005), in the development of a concrete time-bound action plan in line with resolutions 1539 (2004) and 1612 (2005);

(iv) To allow full, unimpeded and secure access for humanitarian assistance to children, as well as for relevant international and national child protection actors in areas under its control;

(e) Emphasizing that the cessation of violations and abuses against children, and full implementation of an action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005), confirmed by the United Nations task force on monitoring and reporting, is the gateway for a party to an armed conflict to be de-listed from the annexes of the report of the Secretary-General on children and armed conflict.

To the leadership of the Moro Islamic Liberation Front

(a) Calling attention to the fact that the Security Council has received a report of the Secretary-General on children and armed conflict in the Philippines (S/2008/272);

(b) Expressing deep concern regarding the fact that, despite several resolutions calling on parties to armed conflict to halt recruitment and use of children, and in contradiction with both the national legislation of the Philippines and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Moro Islamic Liberation Front has continued to recruit and use children in various capacities, including in military operations, and has failed to develop a concrete and time-bound action plan as called for in Security Council resolutions 1539 (2004) and 1612 (2005) and to release all the children present in its ranks, and expressing its strong condemnation of such practice;

(c) Strongly reaffirming that the release of children cannot be made dependent upon the conclusion of a peace agreement;

(d) Urging it:

(i) To take immediate measures to ensure that children are not used in any military operation, and proceed with the immediate release of all children associated with it in any capacity, in a manner that allows effective confirmation by the United Nations task force on monitoring and reporting, and prevention of any new recruitment or re-recruitment;

(ii) To ensure that clear military orders strictly prohibiting the recruitment and use of children, consistent with both the national legislation of the Philippines and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, are enforced, and undertake disciplinary actions against any member who contradicts those orders;

(iii) To immediately engage, in accordance with Security Council resolution 1612 (2005), in the development of a concrete time-bound action plan in line with the standards requested by the Council in resolutions 1539 (2004) and 1612 (2005);

(iv) To allow full, unimpeded and secure access for humanitarian assistance to children, as well as relevant international and national child protection actors;

(e) Emphasizing that the cessation of violations and abuses against children, and full implementation of an action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005), confirmed by the United Nations task force on monitoring and reporting, is the gateway for a party to an armed conflict to be de-listed from the annexes of the report of the Secretary-General on children and armed conflict;

(f) A statement strongly condemning the recruitment and use of children, including for military operations and terror acts, as well as all other violations committed against children by the Abu Sayyaf Group, such as the killing and maiming of children resulting inter alia from bomb attacks in public places and acts of kidnapping, as reflected in the report submitted to the Security Council by the Secretary-General on children and armed conflict in the Philippines (S/2008/272);

(g) Stressing that, consistent with the national legislation of the Philippines, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and Security Council resolutions on children and armed conflict, including resolutions 1539 (2004) and 1612 (2005), the Abu Sayyaf Group has to ensure that children are not used in any military operation or terror act, proceed with the immediate release of all children associated with it in any capacity, in a manner that allows effective confirmation by the United Nations task force on monitoring and reporting, and develop and implement a concrete time-bound action plan to halt recruitment and use of children, and prevent any new recruitment or re-recruitment.

Recommendations to the Security Council

6. The Working Group agreed to recommend that the President of the Security Council address letters:

To the Secretary-General

(a) Welcoming the willingness of his Special Representative to visit the Philippines to cooperate with the Government of the Philippines in finding the best way to address the recruitment and use of children by armed groups, mainstreaming child protection issues in the peace process, ensuring full implementation by all actors of the strong framework of national laws and policies and creating a strong programmatic response to the needs of children affected by armed conflict;

(b) Inviting him to further support the efforts of the United Nations country team to bring the monitoring and reporting mechanism set up in accordance with Security Council resolution 1612 (2005) to its full capacity, to ensure that accurate, objective and reliable and comprehensive information is collected and communicated on the impact of grave violations and abuses committed against children;

(c) Inviting him to request the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) and other relevant United Nations agencies, within their respective mandates and in close cooperation with the Government of the Philippines, to continue to address socio-economic issues, which will also contribute to addressing the welfare of children affected by armed conflict, including strengthening national institutions, and further provide assistance in the implementation of rehabilitation and reintegration programmes.

To the Government of the Philippines

(a) Welcoming:

(i) Its constructive engagement for the establishment of a monitoring and reporting mechanism, and its subsequent and ongoing cooperation with the Security Council Working Group, the Special Representative of the Secretary-General, as well as relevant United Nations organizations;

(ii) Its readiness to welcome the Special Representative of the Secretary-General to the Philippines with a view to further improving protection for children affected by armed conflict;

(iii) The exemplary framework of laws and policies established by the Government of the Philippines to address the protection of children in conflict situations, to ensure respect for international humanitarian law, in particular the neutrality and security of schools, hospitals and places of worship as civilian locations in conflict-affected areas, to prevent the recruitment and use of children in any capacity by the armed forces, the civilian units and other armed groups, and to rescue, rehabilitate and reintegrate children involved in armed conflict;

(iv) The efforts of the Government of the Philippines, as well as the Commission on Human Rights of the Philippines, in order to raise awareness at all levels, including among the security forces and local services providers, about the existing national and international child protection framework, in

particular Security Council resolution 1612 (2005) and the Philippines' inter-agency memorandum of understanding on the handling and treatment of children involved in armed conflict;

(b) Urging it:

(i) To pursue those efforts, with the support of the United Nations country team, including by further developing training programmes for the security forces, considering the designation of a high-level security forces focal point to work regularly with the United Nations country task force on monitoring and reporting, on matters related to children and armed conflict with a view to preventing any act that may lead to violations and abuses against children and to ensuring that any such violations and abuses are documented and responded to immediately, and by ensuring the commitment of law enforcement and judicial officials to provide protection to victims and witnesses of violations and abuses against children and to investigate and prosecute those responsible for any related crime;

(ii) To continue to cooperate with the United Nations country task force on monitoring and reporting, including through facilitating its provision of expertise and support to halt the recruitment and use of children;

(iii) To continue to take steps to secure the release and return to their families of all children abducted by all armed groups;

(iv) To examine, in cooperation with the United Nations country team and other relevant actors, including through a visit to the Philippines of the Special Representative of the Secretary-General, the need to include specific provisions for the protection of children in all peace or ceasefire negotiations and agreement;

(v) To enhance, with the support of the United Nations, the capacity of the Department of Social Welfare and Development of the Government of the Philippines to provide assistance to all children who have been associated with armed groups.

Direct action by the Working Group concerning United Nations agencies

7. The Working Group also agreed to address letters from its Chairman:

To the Executive Director of the United Nations Children's Fund

(a) Commending the role of UNICEF in the establishment of the United Nations country task force on monitoring and reporting, and for the support it provided to the Government of the Philippines Inter-Agency Committee, Commission on Human Rights and child-focused civil society organizations in reporting and documenting children's rights violations in conflict situations and setting up a database;

(b) Commending also the efforts of UNICEF, in cooperation with the Government of the Philippines, to raise awareness of child rights and protection issues among parties to the conflict and requesting that it continue those efforts, with a view to obtaining the release of all children in their ranks;

(c) Inviting UNICEF, in close cooperation with the Government of the Philippines, to provide assistance for the full implementation of its child protection policies and mechanisms.

To the Director of the International Labour Organization

(a) Commending its initiative, launched through its International Programme on the Elimination of Child Labour, to prevent the recruitment of child soldiers and to support the reintegration into society of those children who have been associated with armed groups, and implemented in the Autonomous Region in Muslim Mindanao during the period 2003-2006 in partnership with national and local government units;

(b) Inviting it to continue to take initiatives to provide children and youth with education, training and counselling support services, with a view to preventing recruitment and re-recruitment by armed groups in regions affected by armed conflict.